

UNITED STATES DISTRICT COURT

for the
Eastern District of Wisconsin

In the Matter of the Search of

(Briefly describe the property to be searched
or identify the person by name and address)

[1] white Samsung touchscreen cell phone, bearing serial number 359272101776873, and [2] a silver in color Apple iPhone 11 Pro, bearing serial number (SN) FCJZW203N70F, and international mobile equipment identity (IMEI) number 353983104690475, currently in the custody of the Milwaukee County District Attorney's Office – Investigations Division

Case No.22-992M(NJ)

WARRANT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search and seizure of the following person or property located in the Eastern District of Wisconsin
(identify the person or describe the property to be searched and give its location):

See Attachment A

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property described above, and that such search will reveal *(identify the person or describe the property to be seized)*:

See Attachment B

YOU ARE COMMANDED to execute this warrant on or before September 14, 2022

(not to exceed 14 days)

☐ in the daytime 6:00 a.m. to 10:00 p.m. ☐ at any time in the day or night because good cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to Honorable Nancy Joseph, U.S. Magistrate Judge.
(United States Magistrate Judge)

☐ Pursuant to 18 U.S.C. § 3103a(b), I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized (*check the appropriate box*)

☐ for _____ days (not to exceed 30) ☐ until, the facts justifying, the later specific date of _____.

Date and time issued:8/31/2022 @ 11:49 a.m.

City and state: Milwaukee, WI

Judge's signature

Honorable Nancy Joseph, U.S. Magistrate Judge

Printed name and title

Return		
Case No.:	Date and time warrant executed:	Copy of warrant and inventory left with:
Inventory made in the presence of :		
Inventory of the property taken and name(s) of any person(s) seized:		
Certification		
<p>I declare under penalty of perjury that this inventory is correct and was returned along with the original warrant to the designated judge.</p> <div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div style="width: 30%;"> <p>Date: _____</p> </div> <div style="width: 65%;"> <p style="text-align: center;">_____</p> <p style="text-align: center;"><i>Executing officer's signature</i></p> <p style="text-align: center;">_____</p> <p style="text-align: center;"><i>Printed name and title</i></p> </div> </div>		

ATTACHMENT A

PROPERTY TO BE SEARCHED

The property to be searched are two [2] mobile devices, further desciberd as [1] a white in color Samsung touchscreen cell phone, bearing serial number 359272101776873, and [2] a silver in color Apple iPhone 11 Pro, bearing serial number (SN) FCJZW203N70F, and international mobile equipment identity (IMEI) number 353893104690475 belonging to SHLETON currently in the possession of the Milwaukee County District Attorney's Office.

This warrant authorizes the forensic examination of the mobile cellular devices for the limited purpose of determining whether the devices were utilized in furtherance of criminal activity as set forth in Section II of Attachment B.

ATTACHMENT B

ITEMS TO BE SEIZED

Section I:

Two [2] mobile devices currently in the custody of the Milwaukee County District Attorney's Office – Investigations Division –, further described as [1] a white in color Samsung touchscreen cell phone, bearing serial number 359272101776873, and [2] a silver in color Apple iPhone 11 Pro, bearing serial number (SN) FCJZW203N70F, and international mobile equipment identity (IMEI) number 353893104690475, for the purpose of analyzing the devices for electronically stored information.

Section II:

Upon identifying these devices, records and information from each device relating to violations of Title 18, United States Code, Sections 922(g)(1) and 924(c)(1)(A)(i), as well as violations of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(D) involving SHELTON, shall be analyzed to include:

- a. Records and information relating to the acquisition, sale, storage, transport, or transfer of firearms, ammunition, and illegal narcotics by SHELTON, or by persons in communication with SHELTON, including types, amounts, and prices of firearms or ammunition, as well as dates, places, and amounts of specific transactions;
- b. Records and information reflecting communication between SHELTON and any person relating to firearms, ammunition, or narcotics, whether by voice, text, instant message, email, or any other form of electronic communication;
- c. Records and information reflecting the state of mind of SHELTON at times pertinent to the investigation;

- d. Images, photographs, video, or other media files pertaining to the acquisition, sale, storage, transport, or transfer of firearms, ammunition, or narcotics;
- e. Any stored communications, digital depictions, to include pictures and video recordings, indicating the possession and sale/transfer of narcotics;
- f. Records and information relating to receipts, logs, inventories, and other documentation relating to the purchase, sale, storage, transport, or transfer of firearms or ammunition;
- g. Evidence of user attribution showing who used or owned the mobile cellular devices described in this affidavit at the time things described in this warrant were created, edited, or deleted, such as logs, phonebooks, saved usernames and passwords, documents, and browsing history;
- h. Any stored GPS location tracking/logging files that may provide additional evidence as to the targets' travels, and may provide evidence as to the location where the alleged illegal actions occurred;
- i. Records and information relating to bank records, checks, credit card bills, account information, and other financial records of financial activity pertaining to firearms or ammunition;
- j. Records and information relating to internet activity, including firewall logs, caches, browser history and cookies, "bookmarked" or "favorite" web pages, search terms that a user entered into any internet search engine, and records of user-typed web addresses.

As used above, the terms "records" and "information" include all the foregoing items of evidence in whatever form and by whatever means they may have been created or stored,

including any form of computer or electronic storage (such as flash memory or other media that can store data) and any photographic form.

UNITED STATES DISTRICT COURT

for the
Eastern District of Wisconsin

In the Matter of the Search of

(Briefly describe the property to be searched
or identify the person by name and address)

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Case No 22-992M(NJ).

APPLICATION FOR A WARRANT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

See Attachment A

located in the _____ Eastern _____ District of _____ Wisconsin _____, there is now concealed (identify the person or describe the property to be seized):

See Attachment B

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
☐ contraband, fruits of crime, or other items illegally possessed;
☐ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	Offense Description
18 U.S.C. 922(g)(1)	Felon in Possession of a Firearm/Ammunition
18 U.S.C. 924(c)(1)(A)	Possession of a Firearm in Furtherance of a Drug Trafficking Offense
21 U.S.C. 841(a)(1)	Possession w/Intent to Distribute a Mixture and Substance Containing Marijuana

The application is based on these facts:

See Attached Affidavit

☒ Continued on the attached sheet.

☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

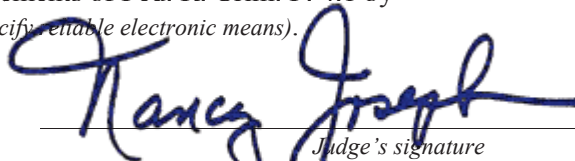

Applicant's signature

Brendan Mulvey, Special Agent, ATF

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by
_____ telephone _____ (specify reliable electronic means).

Date: 8/31/2022


Judge's signature

City and state: Milwaukee, WI

Honorable Nancy Joseph, U.S. Magistrate Judge

AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A SEARCH WARRANT

I, Brendan Mulvey, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. Your affiant makes this affidavit in support of an application under Rule 41 of the Federal Rules of Criminal Procedure for a search warrant authorizing (1) the seizure of two [2] cellular phones belonging to Michael SHLETON (“SHELTON”) currently in the custody of the Milwaukee County District Attorney’s Office, as described in Attachment A; and (2) the examination of property, and the extraction of electronically stored evidence described in Attachment B.

2. Your affiant is employed with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and has been since June, 2018. Your affiant has successfully completed the Criminal Investigator Training Program and ATF Special Agent Basic Training at the ATF National Accademy, held at the Federal Law Enforcement Trraining Center. As an ATF Agent, your affiant has conducted numerous investigations involving violations of federal and state laws including violations of 18 U.S.C. § 924(c), possession of a firearm in furtherance of a federal drug trafficking crime, and 21 U.S.C. §§ 841(a)(1) and 846, distributing and conspiracy to distribute a controlled substance.

3. Prior to working for ATF, your affiant was a sworn law enforcement officer for the Village of Chicago Ridge, Illinois.

4. Your affiant has had a variety of formal, informal, and on the job training in the investigation of illegal firearms possession and firearms trafficking. In addition, your affiant has participated in the execution of search warrants in which firearms, ammunition, and controlled

substances were seized in violation of state and federal laws. Additionally, your affiant is familiar with street name(s) of firearms, controlled substances, and respective related topics, as well as has knowledge of the use of money laundering to conceal ill-gotten money.

5. This affidavit is made in support of an application for a warrant to search and seize two [2] cell phones, further described in Attachment A. The search will be for evidence and instrumentalities associated with violations of Title 18 U.S.C. § 922(g)(1), Felon in Possession of a Firearm/Ammunition, Title 18 U.S.C. § 924(c)(1)(A), Possession of a Firearm in Furtherance of a Drug Trafficking Offense, and Title 21 U.S.C. § 841(a)(1), Possession with Inten to Distribute a Mixture and Substance Containing Marijuana, as well as other related evidence of criminal wrong doing by SHELTON, and/or any other known or unknown co-conspirators.

6. The facts in this affidavit come from your affiant's personal observations, training and experience, and information obtained from other investigators and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of the known knowledge about this matter.

7. In preparing this affidavit, your affiant has reviewed copies of official Police Department reports and affidavit(s) prepared by Police Officers of their respective jurisdictions, to include the Milwaukee Police Department and, and know that reports such as the ones reviewed are prepared in the regular course of official Police Department business. ATF Special Agents have relied upon such reports in the past and found them to be truthful and reliable.

8. Based on training and experience, your affiant uses the following technical terms to convey the following meanings:

- **Wireless cell phone:** A wireless cell phone (or mobile cell phone, or cellphone) is a handheld wireless device used for voice and data communication through radio signals. These cellphones send signals through networks of transmitter/receivers, enabling communication with other wireless cellphones or traditional “land line” cellphones. A wireless cellphone usually contains a “call log,” which records the cellphone number, date, and time of calls made to and from the cellphone. In addition to enabling voice communications, wireless cellphones offer a broad range of capabilities. These capabilities include: storing names and cellphone numbers in electronic “address books;” sending, receiving, and storing text messages and e-mail; taking, sending, receiving, and storing still photographs and moving video; storing and playing back audio files; storing dates, appointments, and other information on personal calendars; and accessing and downloading information from the Internet. Wireless cellphones may also include global positioning system (“GPS”) technology for determining the location of the device.
- **Digital camera:** A digital camera is a camera that records pictures as digital picture files, rather than by using photographic film. Digital cameras use a variety of fixed and removable storage media to store their recorded images. Images can usually be retrieved by connecting the camera to a computer or by connecting the removable storage medium to a separate reader. Removable storage media include various types of flash memory cards or miniature hard drives. Most digital cameras also include a screen for viewing the stored images. This storage media can contain any digital data, including data unrelated to photographs or videos.
- **Internet:** The Internet is a global network of computers and other electronic devices that communicate with each other. Due to the structure of the Internet, connections between devices on the Internet often cross state and international borders, even when the devices communicating with each other are in the same state.

9. Based on your affiant’s training, experience, and research, your affiant knows that many cell phones have capabilities that allow them to serve as a wireless/VOIP cellphone, digital camera, GPS navigation device, portable storage, and a tablet. In your affiant’s training and experience, examining data stored on devices of this type can uncover, among other things, evidence that reveals or suggests who possessed or used the device.

PROBABLE CAUSE

10. Your affiant submits this affidavit in support of a search warrant relating to a white Samsung touchscreen cell phone (SN# 359272101776873) and a silver Apple iPhone 11 Pro Max (SN# FCJZW203N70F; IMEI# 353893104690475) belonging to Michael T. SHELTON (DOB: XX/XX/1984) on Milwaukee Police Inventory No. 20031866 listed as Item No's. 22 & 23 and which property is being kept and maintained at the Milwaukee County District Attorney's Office (Investigations), located at 821 W State St, Room 421, Milwaukee, WI 53233; that the request for said search warrant is to obtain data including but not limited to, digital pictures, stored telephone numbers, recently called numbers lists, text and multi-media messages, e-mails, digital audio and/or video recordings, settings, deleted files, log files;

11. In preparing this affidavit, your affiant reviewed official Milwaukee Police Department Incident Reports, as well as a previously submitted state search warrant affidavit, and that your affiant has utilized reports and affidavits such as these in the past and has known them to be truthful and reliable.

12. On Wednesday, September 2, 2020, at approximately 1230 hours, officers from the Milwaukee Police Department ("MPD" herein) along with Probation Agents conducted a home visit at 5515 N 35th St, in the city and county of Milwaukee, in the Eastern Judicial District of Wisconsin. Prior to the visit, MPD was notified by Probation Agents that a violation of probation hold was placed on Michael T. SHELTON, and that probation would be conducting a probation search of the residence.

13. Once at the residence, MPD knocked on the door and SHELTON answered the door wearing gray sweatpants and a black tank top. SHELTON was then placed under arrest and a white Samsung cellular phone (SN# 359272101776873) and a Silver iPhone 11 Pro Max (SN#

FCJZW203N70F; IMEI# 353893104690475) was recovered from SHELTON's front right pants pocket.

14. During the probation/parole search of SHELTON's residence, officers made contact with Latoya S. NELSON (DOB: XX/XX/XXXX). NELSON then voluntarily turned over keys to a locked safe located in the bedroom NELSON and SHELTON share. The safe was then unlocked and a black HiPoint .45 caliber pistol with an extended magazine, boxes of .223 caliber ammunition, .45 caliber ammunition, and loaded firearm magazines were recovered from inside.

15. Your affiant is aware that SHELTON is a convicted felon in the state of Wisconsin related to Milwaukee County Case Number(s) 2003CF001824 for Possession with Intent – Cocaine (Party To), 2003CF001755 for Armed Robbery with Threat of Force (Party To), 2003CF001756 for Attempt 2nd- Degree Intentional Homicide While Armed, and 2019CF002853 Flee or Elude and Officer. Your affiant is also aware that individuals convicted of a felony offense(s) are prohibited from the possession of firearms/ammunition.

16. While questioning NELSON on scene, NELSON informed MPD that the second floor living room area of the residence was SHELTON's area. While searching this area, MPD located a yoga mat which had two [2] 25lb weights on top of the mat. Beneath the mat, MPD located a loose piece of wood which was easily removed by hand. Secreted beneath the floorboard were three separate sections utilized for storing contraband. Located beneath the floorboard was a Glock, model 19, 9mm caliber pistol, with an extended magazine containing thirty [30] unspent 9mm cartridges in the magazine, and one [1] cartridge loaded into the firearms chamber; a silver/black six [6] round magazine belonging to a Springfield, model XDS, .40 caliber pistol, containing six [6] unspent cartridges of .40 caliber ammunition; two [2] black digital scales; a black container which appeared to be used as a scoop to weigh marijuana; a

black in color fifteen [15] round magazine; and multiple bags of a green plant like material suspected to be marijuana, having a total weight of approximately 991 grams.

17. SHELTON was interviewed by law enforcement subsequent to his arrest and denied that the approximate 991 grams belonged to him.

18. Your affiant is aware that on September 10, 2020, MPD Police Officer Justin Schwarzhuber obtained a state search warrant from the Honorable Barry Phillips, to conduct a digital extraction of the cellular devices recovered during this investigation. Efforts were made to extract the data from each device pursuant to the warrant, however, law enforcement was unsuccessful in extracting any data from the aforementioned white Samsung cell phone, and were only able to conduct a partial extraction of the recovered Apple iPhone 11 Pro. Since these attempts were made, software technology in conducting digital forensic examinations has progressed and is now better equipped at analyzing the data contained on these devices.

ATTACHMENT A

PROPERTY TO BE SEARCHED

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- h. Any stored GPS location tracking/logging files that may provide additional evidence as to the targets' travels, and may provide evidence as to the location where the alleged illegal actions occurred;
- i. Records and information relating to bank records, checks, credit card bills, account information, and other financial records of financial activity pertaining to firearms or ammunition;
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